REMARKS

The Claimed Embodiment

The independent claims recite new techniques for transcoding multimedia messages, where the multimedia message contains inserted media characteristics sufficient in detail to enable determining whether the multimedia message should be transcoded to accommodate multimedia capabilities of a receiving terminal. In operation, a sending terminal 21 provides the multimedia message having the inserted media characteristics to a messaging server 22, as shown Figure 2 of the patent application. The messaging server 22 reads the inserted media characteristics of the multimedia message, decides whether the multimedia message should be transcoded based only on a comparison of the inserted media characteristics of the multimedia message and actual or assumed multimedia capabilities of the receiving terminal, and provides an adapted multimedia message to the receiving terminal 25 based on the comparison.

The media characteristics of the multimedia message comprise at least one of the following: a number of frames, or a sampling rate of audio content; the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message, as claimed.

As described in the patent application, paragraph 1, the present invention relates to the field of the media adaptation (transcoding) of such a multimedia message, where one skilled in the art would appreciate that such multimedia messages form part of Multimedia Messaging Service (MMS), and Session Initiation

Protocol (SIP), as standard ways to send messages that include multimedia content to and from mobile phones, which extended the core SMS (Short Message Service) capability which only allowed exchange of text messages up to 160 characters in length.

As described in the patent application, paragraphs 2-5, in the prior art a multimedia message being sent from a sending terminal to a receiving terminal may contain one or more media components, e.g., a JPEG image; and the messaging server had to open and analyze each media component of the multimedia message in view of the capabilities of the receiving terminal. See also the patent application, paragraph bridging pages 9-10.

The MPEP §2111

In order to evaluate the properness of the obviousness rejection based on the prior art combination of the claimed embodiment, the standard of review must be understood:

MPEP §2111 (see page 2100-37) provides that, during patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification," citing *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ 2d 1321 (Fed. Cir. 2005) (*en banc*). As set forth in the *Phillips* case, terms used in claims are to be given a meaning to a person of ordinary skill in the art who is deemed to have read the terms in the context of the entire patent. In addition, MPEP §2111.01 (see page 2100-38) provides that, during examination, the claims must be interpreted as broadly as their terms reasonably allow, citing *In re American Academy of Science Tech Center, 367 F.3d 1359, 1370, 70* USPQ 2d 1827, 1834 (Fed. Cir. 2004). It is respectfully submitted that terms or limitation used in claims,

including "multimedia message," must be reasonably interpreted in view of this standard set forth in MPEP §2111 and §2111.01, which is consistent with the *Phillips* and *In re American Academy* cases.

It is respectfully submitted that with the aforementioned backdrop that the properness of the obviousness rejection based on the prior art combination of the claimed embodiment is evaluated.

The Prior Art Combination

The independent claims are rejected under 35 U.S.C. 103(a) as being obvious over a new prior art combination of Mukherjee (US 7,133,925) in view of Maes (US 6, 970,935), a newly cited reference.

The obviousness rejection is respectfully traversed because the prior art combination does not disclose, teach or suggest a technique for transcoding multimedia message containing inserted media characteristics sufficient in detail to enable determining whether the multimedia message should be transcoded to accommodate multimedia capabilities of a receiving terminal, as claimed, especially where the media characteristics of the multimedia message comprise at least one of the following: a number of frames, or a sampling rate of audio content, the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message, as also claimed. Instead, both Mukherjee (the main prior art) and Maes relate to processing multimedia content, e.g. image, video or audio. Mukherjee and Maes do not discloses anything about processing a multimedia message, as claimed.

Foremost, Mukherjee discloses a technique for scaleable encoded media data delivery, taking the form of a scalable encoded bit stream that can have more than one kind of scalability. In effect, Mukherjee's technique merely relates to transcoding a single piece of multimedia content. Mukherjee does not disclose, teach or suggest that its technique relates in any way to a multimedia message, as claimed, as the term "multimedia message" is known in the art, and as the term "multimedia message" would be reasonably interpreted when given a meaning by a person of ordinary skill in the art who is deemed to have read the term "multimedia message" in the context of the entire patent application.

By way of example, independent claim 12 recites a limitation stating: a messaging server comprising a processor configured to "obtain media characteristics of a multimedia message that are inserted into the multimedia message intended for a receiving terminal." Mukherjee, column 3, lines 42-52, is cited in relation to this limitation. Mukherjee, column 3, lines 42-52, discloses a system of delivery of encoded scalable media data having a media source that provides scalable encoded media data in a format including first and second portions, where the first portion corresponds to non-media type specific scalability attributes of original encoded media data and data structure information of the second portion, and where the second portion corresponds to the original scalable encoded media data arranged in a non-media type specific indexable data structure having at least one dimension. In effect, the media source merely provides a single piece of multimedia content in some prearranged format. However, it is respectfully submitted that one skilled in the art would appreciate that Mukherjee, column 3, lines 42-52, does not disclose that the encoded scalable media data, the original encoded media data or the original scalable encoded media data is, or forms part of, a multimedia message, as

claimed, as the term "multimedia message" is known in the art, and as the term "multimedia message" would be reasonably interpreted when given a meaning by a person of ordinary skill in the art who is deemed to have read the term "multimedia message" in the context of the entire patent application.

Further, by way of example, independent claim 12 also recites a limitation stating: a messaging server comprising a processor configured to "decide whether the multimedia message should be transcoded based only on comparing the media characteristics of the multimedia message with actual or assumed multimedia capabilities of the receiving terminal." Mukherjee, column 3, lines 56-62, is cited in relation to this limitation. Mukherjee, column 3, lines 56-62, discloses a system of delivery of encoded scalable media data having a transcoder that transcodes a formatted original scalable encoded media data prior to delivery to a media destination to generate a scaled encoded media data, based on matching the scalability attributes and using the data structure information. In effect, Mukherjee's transcoder merely transcodes the single piece of multimedia content in some prearranged transcoding format. However, consistent with that set forth immediately above, it is respectfully submitted that one skilled in the art would appreciate that Mukherjee, column 3, lines 56-62, does not disclose that the transcoding of the formatted original scalable encoded media data prior to delivery to the media destination in any way relates to a multimedia message, as claimed, as the term "multimedia message" is known in the art, and as the term "multimedia message" would be reasonably interpreted when given a meaning by a person of ordinary skill in the art who is deemed to have read the term "multimedia message" in the context of the entire patent application.

The other independent claims contain limitations similar to these two limitations in independent claim 12.

For these reasons, it is respectfully submitted that Mukherjee does not disclose, teach or suggest these limitations for which it is being cited in the reasoning in the office action.

Furthermore, by way of example, claim 12 also recites a limitation stating: "wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message." The reasoning in the office action recognizes that Mukherjee does not disclose this limitation, citing Maes to make up for this deficiency, including column 16, lines 3-11, and column 17, lines 22-24, 26-29 and 31-42.[1]

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[1] As stated in the last response, Figure 3A shows a non-media type specific format including a parcel header component and parcel data component. As shown in Figure 3A, the parcel header component includes a media description having a component description list with a component header. Figure 3B shows in detail the media component header of Figure 3A. As described in Mukherjee, column 7, lines 8-15, the parcel header portion contains **the number of media components**, as well as **the individual headers for each of the constituent components**.

Further, as described in Mukherjee, the paragraph bridging columns 6-7, media content passed around in each transmission instances is referred to as a parcel that is comprised of multiple media components. For example, one component may be an image, and a second component may be an audio annotation that goes with it. Each media component is a coded unit of data that may be represented in the scalable non-media specific format, along with a header containing its description. The overall media description for a parcel consists of the description for the individual components in its header.

However, it is respectfully submitted that Mukherjee, including Figures 3A and 3B, as well as the passages cited above, does not disclose, teach or suggest that its parcel header portion contains media characteristics including either a number of frames or a sampling rate of audio content, as now recited in the independent claims. Instead, Mukherjee's parcel header portion merely contains **the number of media components**, as well as **the individual headers for each of the constituent components**. For example, it is respectfully submitted that neither **the number of media components** nor **the individual headers for each of the constituent components** contain any indication or information about media characteristics including either a number of frames or a sampling rate of audio content, as recited in the independent claims.

The other independent claims contain a limitation similar to this limitation in independent claim 12.

Maes discloses a technique for providing conversational networking for implementing distributed conversational applications over a computer network, based in part on a suitably defined conversational coding, transport and control protocols. The conversational coding protocols may include a preferred RECOVC.xxx format that enables transmission of different segments of speech and comprises a file header which defines information regarding a compression scheme, the size of the file, ..., regarding transformation of the speech signal, as disclosed in the paragraph bridging columns 15-16 (which includes column 16, lines 3-11, as cited). However, it is respectfully submitted that Maes does not disclose, teach or suggest that the conversational coding protocols or the preferred RECOVC.xxx format that enables transmission of different segments of speech in any way relates to a multimedia message, as claimed. For example, Maes, column 17, lines 22-24, discloses that a speech segment header will specify a number of frames; column, 17, lines 26-29, discloses that a silent segment header will specify a silent number of frames; and column 17, lines 31-42, discloses that a number of frames field comprises a value that indicates a total number of frames. However, it is respectfully submitted that one skilled in the art would appreciate that Maes, column 17, lines 22-24, 26-29 and 31-42, does not disclose that the speech segment header or the information about the number of frames, etc., in any way relates to a multimedia

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For these reasons, it is respectfully submitted that Mukherjee, including Figures 3A and 3B, as well as the passages cited above, does not disclose, teach or suggest this feature.

message, as claimed, as the term "multimedia message" is known in the art, and as the term "multimedia message" would be reasonably interpreted when given a meaning by a person of ordinary skill in the art who is deemed to have read the term "multimedia message" in the context of the entire patent application.

For these reasons, it is respectfully submitted that Maes does not disclose, teach or suggest this limitation for which it is being cited in the reasoning in the office action.

Furthermore still, for argument sake only, assuming that Mukherjee and Maes did disclose the limitation for which they are being cited, the proposed combination thereof is still not proper. For example, the reasoning in the office action is taking the position that it would have been obvious to a person of ordinary skilled in the art at the time of the invention was made to modify the system of Mukherjee in view of Maes so that the media characteristics of the multimedia message comprise at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message," as claimed.[2] In effect, the reasoning in the office action is trying to modify the format of Mukherjee's scalable encoded media data, in particular, the modification of the first portion corresponding to the non-media type specific scalability attributes of the original encoded media data and data structure information of the second portion. The reasoning in the office action states that: One would be motivated to do so because Maes teaches that such

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[2] As discussed above, Mukherjee and Maes do not disclose anything related to transcoding a multimedia message, as claimed, as the term "multimedia message" is known in the art, and as the term "multimedia message" would be reasonably interpreted when given a meaning by a person of

implementation which is generally known as a RECOVC file format [sic, delete "that"] allows for real-time distributed conversational interactions (see column 15, lines 60-65). [Emphasis added by the undersigned.] The reasoning in the office action is trying to justify the modification of the format of Mukherjee's scalable encoded media data, i.e. the modification of the first portion corresponding to the non-media type specific scalability attributes of the original encoded media data and data structure information of the second portion. However, it is respectfully submitted that it is not clear how Mukherjee's scalable encoded media data could be so modified and still work within the context of Mukherjee's overall disclosure, including its transcoding technique. In addition, nothing on the record suggests a basis for modifying that disclosed in Mukherjee's scalable encoded media data, i.e. the modification of the first portion corresponding to the non-media type specific scalability attributes of the original encoded media data and data structure information of the second portion, in order to achieve some kind of "real-time distributed conversational interactions" as proposed in the reasoning of the office action.

For all these reasons, it is respectfully submitted that the proposed prior art combination does not disclose, teach or suggest the claimed embodiment.

The Dependent Claims

The remaining claims depend from and contain all the limitations of the independent claims, and are deemed patentable over the cited prior art for all the same reasons.

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ordinary skill in the art who is deemed to have read the term "multimedia message" in the context of the entire patent application.

Conclusion

Reconsideration and early allowance are earnestly requested.

Respectfully submitted,

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